

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

J.H. ET AL.

PLAINTIFF

VS.

NO. 3:11-CV-327-DPJ-FKB

HINDS COUNTY, MISSISSIPPI

DEFENDANTS

MOTION TO TERMINATE OR, ALTERNATIVELY, MODIFY CONSENT DECREE

Defendant, Hinds County, Mississippi, (“the County”) respectfully submits this memorandum of authorities in support of its Motion to Terminate or, Alternatively, Modify the Extended Third Amended Consent Decree entered regarding Henley-Young-Patton Juvenile Justice Center (“Henley-Young”) and between Plaintiffs and the County, stating the following in support:

1. As explained more fully in the contemporaneously filed memorandum of law, the County maintains that under 18 U.S.C. § 3626(b)(1) the consent decree entered regarding Henley-Young is now terminable in whole or in part pending Plaintiff’s burden under § 3626(b)(3). Because Plaintiffs cannot meet their burden of establishing a current and ongoing violation of federal law at Henley-Young, the consent decree must be terminated. In the alternative only, if Plaintiffs are able to establish a current and ongoing violation warranting continued prospective relief, the County requests modification of the [161-1] Extended Third Amended Consent Decree as set forth in more detail in its supporting memorandum.

2. The following exhibits are also filed in support of this Motion and supporting memorandum:

Exhibit “A” – Declaration of Marshand K. Crisler; and

Exhibit “B” – Declaration of Eric Dorsey.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that this motion be granted.

Dated: March 18, 2022.

Respectfully submitted,

PHELPS DUNBAR, LLP

BY: /s/ Nicholas F. Morisani

W. Thomas Siler, Jr. MB #6791
Nicholas F. Morisani, MB #104970
4270 I-55 North
Jackson, Mississippi 39211-6391
Post Office Box 16114
Jackson, Mississippi 39236-6114
Telephone: 601-352-2300
Telecopier: 601-360-9777
Email: nick.morisani@phelps.com

**ATTORNEYS FOR DEFENDANT HINDS
COUNTY**

CERTIFICATE OF SERVICE

I, Nicholas F. Morisani, certify, that, on March 18, 2022, I had this Motion electronically filed with the Clerk of the Court, using the CM/ECF system, which sent notification of such filing to all counsel of record in this matter.

/s/ Nicholas F. Morisani
Nicholas F. Morisani